

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 13520 of 2007(H)

PETITIONER:

ANILKUMAR, S/O.PADMANABHAN, 30,
KANJIRAPURATHU VEEDU, THIRUPURAM P.O.,
NEYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.SAJU.S.A

RESPONDENTS:

1. THE DIRECTOR GENERAL OF POLICE,
OFFICER OF THE D.G.P. VAZHUTHAKADU,
THIRUVANANTHAPURAM.
2. THE DIRECTOR, VIGILANCE AND
ANTICORRUPTION DEPARTMENT, VIGILANCE
DIRECTORATE, PMG, THIRUVANANTHAPURAM.
3. SUDHAKARAN, S/O.VELAYUDHAN NADAR,
CHILLUVILA DARBHAVILA VEEDU,
THIRUPURAM, NEYATTINKARA,
THIRUVANANTHAPURAM.

R1 & 2 BY GOVT. PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

W.P.C.No. 13520 of 2007 H

Dated this the 13th day of June, 2007

JUDGMENT

About an incident which took place on 9.3.2007, the Poovar police has registered two crimes in the nature of a case and counter case. The case against the petitioner is registered, inter alia, under Sections 308 and 326 I.P.C. The case in which he is an injured is registered, inter alia, under Section 324 I.P.C. Investigation into the case and counter case is proceeding. The petitioner has come to this Court with a strange grievance. According to him, the Medical Officer on duty was won over and he has for oblique reasons obliged the adversary of the petitioner by issuing a false wound certificate to show that the victim had suffered grievous hurt. This is not true. He has not suffered any grievous hurt. Succumbing to the influence of his adversary the Medical Officer, it is alleged, had issued such a wound certificate. On coming to know that, the petitioner had moved higher authorities. They are seized to the matter. But before action is taken on the complaint of the

petitioner the police is attempting to hurriedly conclude the investigation and file the final report.

2. The short prayer of the petitioner is that the investigation into these two crimes may not be completed before his grievance of forgery of medical certificate is looked into properly and in accordance with law by the Investigating Officer.

3. I have no hesitation to agree with the learned counsel for the petitioner that any Investigating Officer worth his salt must consider this question carefully before the investigation is completed. The learned Prosecutor, on instructions, submits that there is no reason for the petitioner to assume that his grievance will not be considered by the Investigating Officer properly, thoroughly and exhaustively in accordance with law. A petition filed to the superior officials has been sent to the Investigating Officer. The Investigating Officer is cognizant of the petitioner's grievance. The needful shall be done. Every possible endeavour shall be made to ascertain whether the wound certificate issued by the doctor after examining the adversary of the petitioner is genuine and whether it has been forged. All necessary steps in this regard shall be taken. The genuineness

of the certificate shall be looked into thoroughly and only if satisfied the same shall be acted upon.

4. I take note of and record the submissions of the learned Prosecutor made on behalf of the Investigating Officer. In the wake of the specific complaint raised by the petitioner, any Investigating Officer must consider the grievance of the petitioner very carefully and thoroughly. I have no reason to assume that the Investigating Officer will not do the same.

5. This Writ Petition is accordingly dismissed, but after making the observation that the Investigating Officer must thoroughly and exhaustively consider the grievance of the petitioner and do all that is possible to ascertain the genuineness of the wound certificate and the acceptability of the entries therein.

6. Hand over copy of the judgment to the learned Govt. Pleader

(R. BASANT)
Judge